

House Bill 72

By: Representatives Day of the 163<sup>rd</sup>, Horne of the 71<sup>st</sup>, and Neal of the 1<sup>st</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general  
2 provisions relative to education, so as to create the "Georgia Homeland Security in Education  
3 Act of 2007"; to provide that certain educational institutions shall be required to maintain  
4 information regarding student visas and report those students who fail to enroll or attend class  
5 or who withdraw from such school or who otherwise violate the terms of his or her visa; to  
6 provide for legislative intent; to provide for definitions; to provide an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 The General Assembly finds that the nation's security and the security of the citizens of this  
11 state are compromised when foreign students violate federal student visa requirements and the  
12 violation is not adequately reported. It is the declared purpose of this Act to facilitate the state  
13 and federal governments' common interest in national security, while also ensuring that the  
14 educational diversity offered by international education programs continues to flourish. In  
15 order to safeguard the campuses of Georgia schools as well as prevent attacks against United  
16 States citizens on American soil, certain data collection and reporting requirements are  
17 needed. It is, therefore, the intent of the General Assembly to hereby establish provisions  
18 which support and enhance the federal system for maintaining current information on  
19 nonimmigrant students.

20 **SECTION 2.**

21 Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general provisions  
22 relative to education, is amended by inserting at the end thereof the following:

## "ARTICLE 3

20-1-40.

This article shall be known and may be cited as the 'Georgia Homeland Security in Education Act of 2007.'

20-1-41.

(a) As used in this article, the term:

(1) 'Educational institution' means any institution of higher education including any public or private university, college, junior college, postsecondary school, technical college, or flight school.

(2) 'Educational institution operator' means any governing board, president, director, chancellor, registrar, or other person or persons responsible for the overall operation of an educational institution.

(3) 'Nonimmigrant student' means a person enrolled in or attending an educational institution pursuant to a student visa and shall include students attending educational institutions pursuant to an F, F-2, J, J-2, M, or M-2 visa as designated and issued by the United States government or students who are otherwise monitored by the federal Student and Exchange Visitor Information System (SEVIS) or other similar data information system maintained by the United States government for the purpose of tracking foreign students.

(4) 'Student visa' means any visa issued by the United States government for the purpose of allowing a person who is not a United States citizen to attend an educational institution in the United States and shall include an F, F-2, J, J-2, M, or M-2 visa.

(b) Each educational institution shall collect and maintain copies of federal documents authorizing the admission of a nonimmigrant student into the United States including copies of the visa, the SEVIS I-20 record, or any other document required by state or federal law for foreign student admission. Copies shall be collected at or prior to the admission of a nonimmigrant student. The documents shall be maintained for a minimum of two years following the student's withdrawal, graduation, or other departure from the educational institution.

(c) The expiration of a student visa shall be recorded by the educational institution the student is attending. No nonimmigrant student shall be permitted to attend an educational institution following the expiration of his or her legally authorized stay in the United States.

(d) Each educational institution and the educational institution operator shall have a duty to report whenever a student who has been accepted for admission to such educational

1 institution pursuant to a student visa fails to enroll or appear or who has been attending such  
2 educational institution pursuant to a student visa and withdraws from such institution, fails  
3 to appear for classes for seven or more consecutively scheduled class days, has an expired  
4 visa, or violates the terms of his or her visa. Notification shall be made to any federally  
5 required authority, agency, or department, including the United States Department of  
6 Homeland Security and the Department of State. Notification shall also be made to the  
7 Georgia Bureau of Investigation, the Georgia Emergency Management Agency, any state  
8 office designated for protection against terrorist activity, and to any local law enforcement  
9 agency in Georgia requesting such notification. The notification shall contain all available  
10 information regarding the nonimmigrant student including information from any federal  
11 agency or department and shall be submitted not later than ten business days after the  
12 discovery of the reportable event.

13 (e) Each educational institution and the educational institution operator shall adopt written  
14 policies that set forth the manner in which the requirements of this article will be  
15 implemented.

16 (f) Intentional or negligent failure of any educational institution operator to report  
17 information regarding visa violations by a nonimmigrant student as required by federal or  
18 state law shall be considered malfeasance of office. Educational institutions which fail to  
19 comply with the requirements of this article are subject to the withholding of any state  
20 funding or state administered federal funding.

21 (g) The Attorney General and the Georgia Bureau of Investigation shall be authorized to  
22 inspect an educational institution's records, policies, and procedures to verify compliance  
23 with the provisions of this article."

### 24 **SECTION 3.**

25 This Act shall become effective on July 1, 2007.

### 26 **SECTION 4.**

27 All laws and parts of laws in conflict with this Act are repealed.